

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|--------------------------------|---|-----------------------------|
| EMMANUEL JOSHUA MILLER, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 1:22-CV-171 |
| |) | |
| ARMALE, et al, |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on June 6, 2022. The petition was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On October 30, 2023, Chief Magistrate Judge Lanzillo issued a Report and Recommendation recommending that the petition be denied and that a certificate of appealability be denied. ECF No. 41. No Objections have been filed.

Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 29th day of November 2023;

IT IS ORDERED that the petition for writ of habeas corpus be denied and a certificate of appealability be denied.

IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on October 30, 2023 [ECF No. 41] is adopted as the opinion of the court. The Clerk is directed to mark this case closed.



/s/ Susan Paradise Baxter

SUSAN PARADISE BAXTER
United States District Judge